

City Council Minutes
Tuesday, June 10, 2014
City Hall Auditorium
7:00 p.m.

1. **Call to Order** at 7:00 p.m.
2. **Pledge of Allegiance** – Led by Councilor Sherwood
3. **Roll Call:** Councilor Sherwood, Councilor Sickorez, Councilor Bartley, Councilor Ferguson, Councilor Lavoie, Councilor McClure and President McMilleon. Councilor Kelcourse arrived at 7:05pm. Councilor Moavenzadeh was absent.
4. **Act on minutes** – Councilor Sherwood moved to approve the minutes of May 13, 2014 as submitted. Councilor Ferguson seconded and it was voted Unanimous.
5. **Mayoral Appointments** –
2014-084 Appointment of Matthew Vincent to Amesbury Zoning Board of Appeals.
Councilor Lavoie moved to approve. Councilor McClure seconded and it was voted Unanimous.

2014-085 Appointment of Michael Browne to Amesbury Energy Committee
Councilor Sherwood moved to approve. Councilor Ferguson seconded and it was voted Unanimous.

2014-088 Appointment of Matthias Bohler to Amesbury Energy Committee
Councilor Sherwood moved to approve. Councilor Ferguson seconded and it was voted Unanimous.

2014-089 Appointment of Jonathan Camp to Amesbury Energy Committee
Councilor Ferguson moved to approve. Councilor McClure seconded and it was voted Unanimous.

2014-090 Appointment of Christian R. Scorzoni to Amesbury Energy Committee
Councilor Sherwood moved to approve. Councilor Ferguson seconded and it was voted Unanimous.

Councilor Sherwood stated for the record that with Mr. Scorzoni's position on the School Committee this appointment is just an extension of that position on the School Committee and a number of the things they will be looking at are school related. It will have no effect on the prohibition of serving on multiple boards as is stated in the Charter.

- 2014-091** Appointment of William J. Scott to position of Director of Community and Economic Development
Councilor Ferguson moved to approve. Councilor Bartley seconded and it was voted Unanimous.

Councilor Kelcourse moved to accept the late file 2014-092 an appointment of Charles Benevento to the position of Chief Financial Officer. Councilor Sherwood seconded and it was Unanimous.

Councilor Lavoie moved to accept the appointment. Councilor Bartley seconded and it was voted Unanimous.

Mayor Gray spoke briefly on Chuck's behalf. He feels that this will be a very smooth transition

6. Licenses & Permits – List of Licenses issued - City Clerk

NEW:

No. 8 Kitchen & Spirits – Common Victualler & Dine Dance & Ent., 37 Main St.

Sweet Willie D's Sho Nuff BBQ, LLC – Common Victualler, 14 Cedar St.

Keith Darrell Short – Buy and Sell Numismatic Coins – General Business, 2 Horton St.

Blue Wave Art Gallery –Ellen Asia Scudder - Gallery- General Business, 52 Main St.

Gordon Rug Co. – Jeffrey Gordon - Sell/Install Carpet – General Business, 58 Macy St. Unit 4.

Polish Club – Robert Earabino 14 ½ Mill St. - Sunday Jukebox

Ell Royal Antiques – Royal Feltner – 72 Haverhill Rd - Junk Dealers/Antiques/Second Hand

OC Stone and Handyman –Cesar Chacha- 19 Elm St. #23 - General Business License

Spiker's, LLC – Kate Broughton,- 14 Cedar St - Common Victualler

RENEWALS:

The Barn Pub & Grille –Leo Isabelle – 5 Ring St. - Weekday & Sunday Pool

Lafayette Naturalization Club – Julie Thompson – 11 High St. - Weekday & Sunday Pool

7. Correspondence

a. President/Vice President Communications

1. Appoint two members of City Council for TIF Program – Councilor McClure volunteered to be on this committee and Councilor Bartley was drafted and appointed to this committee as well.

2. Appoint two Councilors to the Disposition Committee one from Finance and one from PBI – Councilor Sherwood volunteered to be on this committee and Councilor Moavenzadeh was drafted and appointed to this committee as well.

3. Appoint two Councilors to the Energy Committee one from Finance and one from PBI – Councilor Ferguson volunteered to be on this committee and Councilor Sickorez was drafted and appointed to this committee.

Councilor Lavoie moved to accept these appointments. Councilor Sickorez seconded and it was voted Unanimous.

b. Communication from Elected Officials, Boards and Commissions – None at this time.

8. Public Comment

Jim Thivierge spoke on the FY15 budget recommendations and his disagreement with them. He commented that he submitted to the council a response to those recommendations.

9. Council Response to Public Comment

10. Public Hearings:

2014-067 An Ordinance to Mandatory Recycling (define) with Recycling Enforcement: Violations & Penalties - Mayor Gray sponsor

Summary: To define Mandatory Recycling requirements for generators of solid waste and recycling in Amesbury and provide an enforcement measure if needed.

Councilor McMilleon opened the public hearing.

Jane Snow stated that someone could dump something into your trash without you knowing and feels that a fine would not be fair.

Councilor McMilleon closed the public hearing.

Councilor McClure read the Finance Committee recommendations which amended the amount of the fines be raised.

Councilor Lavoie read the Ordinance Committee recommendations that it be adopted as submitted.

Councilor Sickorez asked who will finance this, how will this be enforced and documented.

Laurie Pierce stated that this will be financed through a grant that was received through the DEP which will fund a position called the Waste Reduction Enforcement Coordinator. That person prior to January 1, 2015 will be educating and working with residents about recycling.

She stated that first thing will be a survey through town of how many trash cans are put out and how many recycling containers are out and that information will be compiled into a data base. Then we can add any issues like non-compliance or other problems that may come up for each parcel and history can be tracked.

Councilor Sickorez stated that he would like to see the recycling done weekly and the trash done bi-weekly.

Mrs. Pierce stated that this is a step in that directions.

Councilor Kelcourse commented that he sees on page 4 that there will be a written warning before a fine is issued so Ms. Snow should not be too concerned.

Mrs. Pierce stated before a written warning they will be using stickers, tags and things for specific reasons why pick up is not done.

Councilor McClure stated that she didn't have a problem with the fines but she does not agree with a Criminal Complaint.

Mrs. Pierce stated that it is a common thing. She commented that the Household Hazardous Waste day is on Saturday, June 14 at the Compost Site at 60 South Hunt Road.

Councilor Sherwood moved to accept the Finance Committee recommendations to adopt 2014-067 as submitted with the amendments to Violations & Penalties, that the second offense be \$100.00; the third offense be \$250.00; the fourth offense be \$500.00 fine plus a criminal complaint and then add a provision that the penalty section become effective on January 1, 2015. Councilor Ferguson seconded. Roll Call Vote: 7 Yes, 1 No, McClure (8 Members present)

2014-069 An Ordinance to Accept Two (2) Mass DEP Grants awarded to the City - Mayor Gray sponsor
Summary: 1) Municipal In-Kind Technical Assistance Grant
2) Waste Reduction Enforcement Coordinator Grant

Councilor McMilleon opened and closed the public hearing.

Councilor McClure read the Finance Committee recommendation.

Councilor Ferguson moved to the Finance Committee recommendation to Accept 2014-069 the two Mass DEP Grants as submitted. Councilor Sickorez seconded. Roll Call Vote Unanimous (8 members present)

2014-070 An Order to acquire an Easement for the Widening of Ellis Court (which shall not be part of the public way) and an Easement in a Snow Storage Area. - Mayor Gray sponsor
Summary: Ellis Court, a public way, will be widened in connection with a subdivision approved for three residential lots, by the granting of an easement by D.E.C.M., LLC to the City, approximately five and one-half (5 ½) feet in width, which easement area will not become a portion of the public way, but will be maintained by the City. The city will further acquire an easement from D.E.C.M., LLC in a snow storage area at the current terminus of Ellis Court.

Councilor Lavoie stated that the Ordinance Committee continued this to their next meeting for the City Planner to appear.

Nipun Jain, City Planner stated that Ellis Ct is still controlled by the developer and can transfer the easement himself much easier and legally.

Rob Desmarais stated that it is an existing public way. With the addition of the three houses it makes it a little tough with a 16 foot wide road and some of the existing pavement was already on the property owners land so the actual driving way was not centered on the right of way. This will correct all of that.

Councilor Lavoie stated that he did not see why the Council couldn't vote this tonight.

Councilor McMilleon opened and closed the public hearing.

Councilor Sherwood asked if Ellis Ct is going to be repaved and will it be at the expense of the developer.

Mr. Jain stated that yes, it will be repaved and a sidewalk will go in and it will be at the developer's expense.

Councilor Kelcourse moved to approve 2014-070 an Order to acquire an easement for the widening of Ellis Court and an easement in a snow storage area as submitted. Councilor Sickorez seconded. Roll Call Vote - Unanimous (8 Members)

2014-071 An Ordinance to Establish a Commercial Fashion Center Overlay District - Mayor Gray sponsor

Summary: This ordinance will establish a Commercial Fashion Overlay District in order to regulate the permitting, location and operations, in the new district as outlined in the below amendments. The following proposed amendments as described within each of the applicable numbered Amendment sections shall be treated as one coordinated and uniform amendment and shall amend the Amesbury Zoning Bylaw by insertion as described within each section and by the referenced attachments (*The sections in italics, divided by a line, with the Amendment titles, shall be considered as instructive amendment language and not construed as part of the insertion into the Amesbury Zoning Bylaw, unless otherwise instructed.*)

Councilor Lavoie stated that this has been tabled to the next Ordinance Committee Meeting so that Nipun can give a presentation. The Planning Board has yet to hold their public hearing. Under the statute they have 65 days to do that. Mr. Scott has changes to make to it as well.

Mr. Scott stated that the Planning Board has had their public hearing last night and has tabled it until their next meeting on the 23rd of June.

Councilor Ferguson moved to table this to the July 8, 2014 City Council meeting. Councilor Lavoie seconded and it was voted Unanimous.

2014-072 An Order to request the City Council vote receive grant funds from the following sources in the following amounts - Mayor Gray sponsor

Source	Amount	Purpose
DOER	\$173,775	Green Communities Designation Grant
DEP	\$17,500	Electric Vehicle and Charging Station
DOER	\$25,000	Energy Manager Position
DOER	\$12,500	Owners Agent Grant
Total	\$228,775	Mass Office of Energy and Env. Affairs

Summary: Since January the City has sought every possible energy funding opportunity that will publicly demonstrate a strong sense of commitment by the City to the Green Communities program. This Order is based on the attached report titled: “City of Amesbury Energy Projects 2014” which outlines the grant applications for a variety of programs. The contracts for the programs are in process and should be available by the next Council meeting on June 10, the letters of award, and or contract sent, are included in the attached report.

Councilor McMilleon opened the public hearing.

Mr. Scott stated that all the contracts are in for all the DOER money and they have been told they can advertise for the Energy Manager position. They are good to go on all of the funding from the states perspective.

Councilor McMilleon closed the public hearing.

Councilor McClure read the Finance Committee recommendation for adoption.

Councilor Ferguson moved to approve 2014-072, An Order to receive grant funds as submitted. Councilor Sherwood seconded. Roll Call Vote: Unanimous (8 Members)

2014-073 An Order to request the City Council vote to create a Disposition Committee as outlined in the document titled Amesbury Disposition Committee Bylaws, which is attached hereto and incorporated herein by reference - Mayor Gray sponsor

Summary: The Disposition process involves the applicable Council members, a Planning Board Member, and abutters as maybe applicable. The advantage is that the City can methodically move through a transparent process with a level of security that the abutters input, and proposals by developers are ready to move forward because the property has been released for action. The outline in the bylaws shows a month to month approach.

Councilor McMilleon opened and closed the public hearing.

Councilor Lavoie reviewed the Ordinance Committee recommendation which was to table to the next meeting. He stated that Mr. Scott drafted into the bylaw language that every year after summer break the City Council will hear a report from the Disposition Committee as to its own assessment of its effectiveness and if ever the committee becomes unnecessary then it can be disbanded. He suggested that this be tabled to the next City Council meeting.

Councilor Kelcourse moved to table this to the July 8, 2014 City Council meeting. Councilor Bartley seconded.

Councilor Sherwood asked what the impact on a delay would be as they have already appointed Councilors to the committee tonight.

Mr. Scott stated that he feels there is enough homework to do before the committee is appointed that they will have a complete profile of the sites.

Councilor McMilleon stated that they have already appointed two people to this committee contingent upon when this passes.

It was voted Unanimous.

2014-074 An Order to request the City Council vote to dissolve the Committee known as the Energy Task Force, established in October of 2008, and create in its place the Amesbury Energy Committee, hereafter known as the AEC - President McMilleon, Mayor Gray sponsor, Councilor Ferguson.

Summary: The Councilors sponsoring this order, as original sponsors of the Energy Task Force, understand that the original mission of the temporary Task Force was to gain the Green Community status for the City. The mission has been accomplished and the City now requires a more permanent and expanded role for the crucial mission of energy management and conservation. Therefore the sponsoring Councilors wish to dissolve the existing temporary Task Force and create a permanent Energy Committee, appointed by the Mayor who as a co-sponsor supports the new Energy Committee.

Councilor McMilleon opened and closed the public hearing.

Councilor Lavoie read the recommendations of the Ordinance Committee which was to approve with the amendments as listed on the Ordinance Committee recommendation page.

**Councilor Lavoie moved 2014-074 be adopted by the City Council with the corrections identified in the Ordinance Committee recommendations dated May 20, 2014.
Councilor Bartley seconded the motion.
Roll Call Vote: 8 Yes (8 Members present)**

11. First Readings

2014-078 – A Binding Resolution of the 9th Session Council relative to the 2014 budget

Councilor Lavoie stated that he and Councilor McClure consulted on this. A lot has been done since this was put forward. At the time, we wanted to make it clear that if any additional Chapter 70 supplemental budget funds came in it would be used by the schools to further enhance the educational experience of Amesbury's children. The point being is when those funds usually come in they come into the General Revenue. This is an expression of our will as a Council. If it is adopted it will be crystal clear how we feel about it.

Councilor Kelcourse asked if these moneys are given to the school budget after we have approved a number, won't we have to do an amendment to the school budget?

Councilor McMilleon stated that in speaking with Mr. Basque, if money came in it would go into the General Fund and if the Mayor was willing to do this he would have to send down an appropriation to us from the General Fund that we would have to vote on and then that money would go to the schools.

Mayor Gray stated that he is in favor of this very much and he would have to submit a supplemental appropriation for the schools. It does create as Councilor Kelcourse stated, the effect that we are starting at a higher baseline next year; and we do that anyway. What we call level services funding is not a number you can get your hands around. The latest conversation with Senator O'Connor-Ives is that it is not going to happen.

Councilor Lavoie moved that the City Council approve 2014-078 a Binding Resolution of the 9th Session Council relative to the FY15 budget with corrections to the header of the document to read City of Amesbury and the year Two Thousand and Fourteen. Councilor McClure seconded. Voted Unanimous

2014-079 – An Order transfer between General Department Funds

Summary: Transfer \$168,000 between General Department funds to cover FY14 expenditures.

Councilor Sherwood moved to send 2014-079 to the Finance Committee for a recommendation and to schedule a public hearing at the July 8, 2014 City Council meeting. Councilor Kelcourse seconded and it was voted Unanimous.

2014-080 – An Order to authorize a transfer to Snow and Ice Removal to cover FY2014.

Summary: Transfer \$267,000 from Free Cash to Snow & Ice Removal to cover FY14 expenditures.

Councilor Ferguson moved to send 2014-080 to the Finance Committee for a recommendation and to schedule a public hearing at the July 8, 2014 City Council meeting. Councilor Sickorez seconded and it was voted Unanimous.

2014-081 – An Ordinance to create the Amesbury Town Park.

Summary: To designate an area of property on Friend Street as the Amesbury Town Park and to dedicate it as a Public Park in accordance with MGL Chapter 45 Section 3.

Councilor Kelcourse moved to send 2014-081 to the Ordinance Committee for a recommendation and to schedule a public hearing at the July 8, 2014 City Council meeting. Councilor Sherwood seconded and it was voted Unanimous.

2014-082 – An Ordinance to create the Collins Avenue Park.

Summary: To designate an area of property on Collins Avenue as the Collins Avenue Park and to dedicate it as a Public park in accordance with MGL Chapter 45 Section 3.

Councilor Ferguson moved to send 2014-082 to the Ordinance Committee for a recommendation and to schedule a public hearing at the July 8, 2014 City Council meeting. Councilor Kelcourse seconded and it was voted Unanimous.

2014-083 – An Order to request the Municipal Council to vote to appropriate Two Hundred and Fifty Thousand Dollars (\$250,000.00) for improvements to Town Park and Collins Avenue Playground

Summary: The sum of \$250,000 provide for improvements to the Town Park and Collins Avenue Park to include an expanded play area, Spray Park, and appurtenant Improvements. The sum of \$200,000 of this authorization is scheduled for reimbursement from an Our Backyard Grant program from the Commonwealth of Massachusetts Executive Office of Environmental Affairs. The sum of \$25,000 shall be provided as match from the prior authorization number 2013-34A, the balance of the authorization, \$25,000 shall be provided through fundraising.

Councilor Sherwood moved to send 2014-083 to the Finance Committee for a recommendation and to schedule a public hearing at the July 8, 2014 City Council meeting. Councilor Ferguson seconded and it was voted Unanimous.

2014-086 – An Order to vote intent to discontinue a portion of Elm St and refer to the Planning Board.

Summary: The City Council shall vote its intent to discontinue a portion of Elm St no longer needed as a public way and refer to proposed action to the Planning Board.

Councilor Ferguson moved to send 2014-086 to the Ordinance Committee and the Planning Board for recommendations and to schedule a public hearing at the July 8, 2014 City Council meeting. Councilor McClure seconded and it was voted Unanimous.

2014-087 –An Order to Discontinue a Portion of Elm Street and Convey said Portion to the Property known as (Map 68, Lot 19)

Summary: The City Council shall discontinue a portion of Elm Street and convey said portion to the abutting property known as (Map 68, Lot 19)

Councilor Ferguson moved to send 2014-087 to the Ordinance Committee and the Planning Board for a recommendation and to schedule a public hearing at the July 8, 2014 City Council meeting. Councilor Bartley seconded and it was voted Unanimous.

12. Adjourn

Councilor McClure moved to adjourn at 8:25p.m. Councilor Sickorez seconded and it was voted Unanimous.

Respectfully Submitted,

Sharon Dunning
Assistant City Clerk